

AMENDED IN ASSEMBLY AUGUST 31, 2009

AMENDED IN ASSEMBLY JUNE 23, 2009

**SENATE BILL**

**No. 822**

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**Introduced by Committee on Revenue and Taxation (Senators Wolk  
(Chair), Alquist, Ashburn, Florez, Runner, Walters, and Wiggins)**

March 10, 2009

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An act to amend Sections 72, 155.20, ~~441~~, 441.5, and 2823 of, and to add Section 205.6 to, the Revenue and Taxation Code, relating to taxation.

LEGISLATIVE COUNSEL'S DIGEST

SB 822, as amended, Committee on Revenue and Taxation. Property taxation: local administration.

(1) Existing law provides for the creation of an assessor's office in each county, and requires the assessor's office to determine the new base year value for taxable real property that has been newly constructed. Existing law requires an assessee or his or her designee to file with the city, county, or city and county, a scale copy of the floor plans and exterior dimensions of the building designated for the county assessor at the time the assessee files, or causes to be filed, an approved set of building plans.

This bill would authorize the county assessor to require the floor plans to be provided to the assessor in an electronic format, if available.

(2) Existing property tax law authorizes each county board of supervisors to exempt from property taxation those properties having a full value too low to justify the costs of assessment and collection, and limits any exemption granted by each county board of supervisors to property with a value not exceeding \$5,000.

This bill would increase the limit for this exemption from \$5,000 to \$10,000.

(3) The California Constitution authorizes the exemption from property taxation of the principal residence of a disabled veteran, or a veteran's spouse, in the case in which a person has, as a result of a service-connected disease or injury, become disabled or died while on active duty in military service. Existing property tax law requires the State Board of Equalization to prescribe all procedures and forms required to carry into effect any property tax exemption.

This bill would authorize county assessors to supply specified information from disabled veterans' property tax exemption claims and county records at the written request of the board, in order to prevent duplications of the disabled veterans' property tax exemption within the state and improper overlapping with other benefits provided by law.

(4) Existing law requires taxpayers that meet certain criteria to file a signed property statement with the county assessor, ~~and in the case of a corporate owner of property, requires the property statement to be signed either by an officer of the corporation or an employee or agent who has been designated in writing by the board of directors to sign the statement.~~ Existing law authorizes a taxpayer, in lieu of completing the property statement as printed by the assessor, to furnish the information required as attachments to the property statement, provided that one copy of the property statement is signed by the taxpayer and contains an appropriate reference to the data attached, or the property statement is filed electronically and authenticated, as specified.

~~This bill would delete the requirement that the employee or agent who signs the property statement be designated in writing by the board of directors. This bill would also authorize a taxpayer to complete a property statement that is substantially similar to the property statement as printed by the assessor, as provided, in lieu of completing the property statement as printed by the assessor, and would authorize the assessor to consider the information provided by the taxpayer, in lieu of completing the property statement as printed by the assessor, as the property statement.~~

(5) Existing law prohibits a county assessor from making a separate valuation of any parcel covered by a subdivision map filed for record after the lien date immediately preceding the current fiscal year.

This bill would provide that this prohibition does not apply in any county in which the board of supervisors provides for a separate

valuation pursuant to an ordinance adopted by a majority vote of the board.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 72 of the Revenue and Taxation Code is  
2 amended to read:

3 72. (a) A copy of any building permit issued by any city,  
4 county, or city and county shall be transmitted by each issuing  
5 entity to the county assessor as soon as possible after the date of  
6 issuance.

7 (b) A copy of any certificate of occupancy or other document  
8 that shows the date of completion of new construction issued or  
9 finalized by any city, county, or city and county, shall be  
10 transmitted by each entity to the county assessor within 30 days  
11 after the date of issuance or finalization.

12 (c) At the time an assessee files, or causes to be filed, an  
13 approved set of building plans with the city, county, or city and  
14 county, a scale copy of the floor plans and exterior dimensions of  
15 the building designated for the county assessor shall be filed by  
16 the assessee or his or her designee. The scale copy shall be in  
17 sufficient detail to allow the assessor to determine the square  
18 footage of the building and, in the case of a residential building,  
19 the intended use of each room. The county assessor may require  
20 the floor plans be provided to the county assessor in an electronic  
21 format, if available. An assessee, or his or her designee, where  
22 multiple units are to be constructed from the same set of building  
23 plans, may file only one scale copy of floor plans and exterior  
24 dimensions, so long as each application for a building permit with  
25 respect to those building plans specifically identifies the scale copy  
26 filed pursuant to this section. However, where the square footage  
27 of any one of the multiple units is altered, an assessee, or his or  
28 her designee, shall file a scale copy of the floor plan and exterior  
29 dimensions that specifically identifies the alteration from the  
30 previously filed scale copy. The receiving authority shall transmit  
31 that copy to the county assessor as soon as possible after the final  
32 plans are approved.

(d) The board of supervisors of a county may enact, by a majority vote of its entire membership, an ordinance, resolution, or board order that requires the local agency that approves the tentative map or maps, and any conditions of approval for the tentative map or maps that are filed with a county or a city in that county, to submit a copy of the map or maps, and any conditions of approval for the tentative map or maps, to the county assessor as soon as possible after the map or maps are filed. The ordinance, resolution, or board order may require that the map or maps be provided to the county assessor in an electronic format, if available in that form.

SEC. 2. Section 155.20 of the Revenue and Taxation Code is amended to read:

155.20. (a) Subject to the limitations listed in subdivisions (b), (c), (d), and (e), a county board of supervisors may exempt from property tax all real property with a base year value (as determined pursuant to Chapter 1 (commencing with Section 50) of Part 0.5), and personal property with a full value so low that, if not exempt, the total taxes, special assessments, and applicable subventions on the property would amount to less than the cost of assessing and collecting them.

(b) (1) The board of supervisors shall have no authority to exempt property with a total base year value or full value of more than ten thousand dollars (\$10,000), except that this limitation is increased to fifty thousand dollars (\$50,000) in the case of a possessory interest, for a temporary and transitory use, in a publicly owned fairground, fairground facility, convention facility, or cultural facility. For purposes of this paragraph, “publicly owned convention or cultural facility” means a publicly owned convention center, civic auditorium, theater, assembly hall, museum, or other civic building that is used primarily for staging any of the following:

(A) Conventions, trade and consumer shows, or civic and community events.

(B) Live theater, dance, or musical productions.

(C) Artistic, historic, technological, or educational exhibits.

(2) In determining the level of the exemption, the board of supervisors shall determine at what level of exemption the costs of assessing the property and collecting taxes, assessments, and subventions on the property exceeds the proceeds to be collected.

1 The board of supervisors shall establish the exemption level  
2 uniformly for different classes of property. In making this  
3 determination, the board of supervisors may consider the total  
4 taxes, special assessments, and applicable subventions for the year  
5 of assessment only or for the year of assessment and succeeding  
6 years where cumulative revenues will not exceed the cost of  
7 assessments and collections.

8 (c) This section does not apply to those real or personal  
9 properties enumerated in Section 52.

10 (d) The exemption authorized by this section shall be adopted  
11 by the board of supervisors on or before the lien date for the fiscal  
12 year to which the exemption is to apply and may, at the option of  
13 the board of supervisors, continue in effect for succeeding fiscal  
14 years. Any revision or rescission of the exemption shall be adopted  
15 by the board of supervisors on or before the lien date for the fiscal  
16 year to which that revision or rescission is to apply.

17 (e) Nothing in this section shall authorize either of the following:

18 (1) A county board of supervisors to exempt new construction,  
19 unless the new total base year value of the property, including this  
20 new construction, is ten thousand dollars (\$10,000) or less.

21 (2) An assessor to exempt or not to enroll any property of any  
22 value, unless specifically authorized by a county board of  
23 supervisors, pursuant to this section.

24 SEC. 3. Section 205.6 is added to the Revenue and Taxation  
25 Code, to read:

26 205.6. In order to prevent duplications of the disabled veterans'  
27 property tax exemption within the state and improper overlapping  
28 with other benefits provided by law, county assessors may supply  
29 information from disabled veterans' property tax exemption claims  
30 and county records as is specified by written request of the board  
31 necessary to fully identify all disabled veterans' property tax  
32 exemption claims allowed by the assessors. The board may specify  
33 that the information include all or a part of the names and social  
34 security numbers of claimants and spouses and the identity and  
35 location of the dwelling to which the exemption applies. The  
36 information may be required in the form of data-processing media  
37 or other media and in such format as is compatible with the  
38 recordkeeping processes of the counties and the auditing procedures  
39 of the state.

1     ~~SEC. 4. Section 441 of the Revenue and Taxation Code is~~  
2     ~~amended to read:~~

3     ~~441. (a) Each person owning taxable personal property, other~~  
4     ~~than a manufactured home subject to Part 13 (commencing with~~  
5     ~~Section 5800), having an aggregate cost of one hundred thousand~~  
6     ~~dollars (\$100,000) or more for any assessment year shall file a~~  
7     ~~signed property statement with the assessor. Every person owning~~  
8     ~~personal property that does not require the filing of a property~~  
9     ~~statement or real property shall, upon request of the assessor, file~~  
10    ~~a signed property statement. Failure of the assessor to request or~~  
11    ~~secure the property statement does not render any assessment~~  
12    ~~invalid.~~

13    ~~(b) The property statement shall be declared to be true under~~  
14    ~~the penalty of perjury and filed annually with the assessor between~~  
15    ~~the lien date and 5 p.m. on April 1. The penalty provided by Section~~  
16    ~~463 applies for property statements not filed by May 7. If May 7~~  
17    ~~falls on a Saturday, Sunday, or legal holiday, a property statement~~  
18    ~~that is mailed and postmarked on the next business day shall be~~  
19    ~~deemed to have been filed between the lien date and 5 p.m. on~~  
20    ~~May 7. If, on the dates specified in this subdivision, the county's~~  
21    ~~offices are closed for the entire day, that day is considered a legal~~  
22    ~~holiday for purposes of this section.~~

23    ~~(c) The property statement may be filed with the assessor~~  
24    ~~through the United States mail, properly addressed with postage~~  
25    ~~prepaid. For purposes of determining the date upon which the~~  
26    ~~property statement is deemed filed with the assessor, the date of~~  
27    ~~postmark as affixed by the United States Postal Service, or the~~  
28    ~~date certified by a bona fide private courier service on the envelope~~  
29    ~~containing the application, shall control. This subdivision shall be~~  
30    ~~applicable to every taxing agency, including, but not limited to, a~~  
31    ~~chartered city and county, or chartered city.~~

32    ~~(d) (1) At any time, as required by the assessor for assessment~~  
33    ~~purposes, every person shall make available for examination~~  
34    ~~information or records regarding his or her property or any other~~  
35    ~~personal property located on premises he or she owns or controls.~~  
36    ~~In this connection, details of property acquisition transactions,~~  
37    ~~construction and development costs, rental income, and other data~~  
38    ~~relevant to the determination of an estimate of value are to be~~  
39    ~~considered as information essential to the proper discharge of the~~  
40    ~~assessor's duties.~~

1     ~~(2) (A) This subdivision shall also apply to an owner-builder~~  
2     ~~or an owner-developer of new construction that is sold to a third~~  
3     ~~party, is constructed on behalf of a third party, or is constructed~~  
4     ~~for the purpose of selling that property to a third party.~~

5     ~~(B) The owner-builder or owner-developer of new construction~~  
6     ~~described in subparagraph (A), shall, within 45 days of receipt of~~  
7     ~~a written request by the assessor for information or records, provide~~  
8     ~~the assessor with all information and records regarding that~~  
9     ~~property. The information and records provided to the assessor~~  
10    ~~shall include the total consideration provided either by the~~  
11    ~~purchaser or on behalf of the purchaser that was paid or provided~~  
12    ~~either, as part of or outside of the purchase agreement, including,~~  
13    ~~but not limited to, consideration paid or provided for the purchase~~  
14    ~~or acquisition of upgrades, additions, or for any other additional~~  
15    ~~or supplemental work performed or arranged for by the~~  
16    ~~owner-builder or owner-developer on behalf of the purchaser.~~

17    ~~(e) In the case of a corporate owner of property, the property~~  
18    ~~statement shall be signed either by an officer of the corporation or~~  
19    ~~an employee or agent.~~

20    ~~(f) In the case of property owned by a bank or other financial~~  
21    ~~institution and leased to an entity other than a bank or other~~  
22    ~~financial institution, the property statement shall be submitted by~~  
23    ~~the owner bank or other financial institution.~~

24    ~~(g) The assessor may refuse to accept any property statement~~  
25    ~~he or she determines to be in error.~~

26    ~~(h) If a taxpayer fails to provide information to the assessor~~  
27    ~~pursuant to subdivision (d) and introduces any requested materials~~  
28    ~~or information at any assessment appeals board hearing, the~~  
29    ~~assessor may request and shall be granted a continuance for a~~  
30    ~~reasonable period of time. The continuance shall extend the~~  
31    ~~two-year period specified in subdivision (c) of Section 1604 for a~~  
32    ~~period of time equal to the period of the continuance.~~

33    ~~(i) Notwithstanding any other provision of law, every person~~  
34    ~~required to file a property statement pursuant to this section shall~~  
35    ~~be permitted to amend that property statement until May 31 of the~~  
36    ~~year in which the property statement is due, for errors and~~  
37    ~~omissions not the result of willful intent to erroneously report. The~~  
38    ~~penalty authorized by Section 463 does not apply to an amended~~  
39    ~~statement received prior to May 31, provided the original statement~~  
40    ~~is not subject to penalty pursuant to subdivision (b). The amended~~

1 ~~property statement shall otherwise conform to the requirements~~  
2 ~~of a property statement as provided in this article.~~

3 ~~(j) This subdivision shall apply to the oil, gas, and mineral~~  
4 ~~extraction industry only. Any information that is necessary to file~~  
5 ~~a true, correct, and complete statement shall be made available by~~  
6 ~~the assessor, upon request, to the taxpayer by mail or at the office~~  
7 ~~of the assessor by February 28. For each business day beyond~~  
8 ~~February 28 that the information is unavailable, the filing deadline~~  
9 ~~in subdivision (b) shall be extended in that county by one business~~  
10 ~~day, for those statements affected by the delay. In no case shall~~  
11 ~~the filing deadline be extended beyond June 1 or the first business~~  
12 ~~day thereafter.~~

13 ~~(k) The assessor may accept the filing of a property statement~~  
14 ~~by the use of electronic media. In lieu of the signature required by~~  
15 ~~subdivision (a) and the declaration under penalty of perjury~~  
16 ~~required by subdivision (b), property statements filed using~~  
17 ~~electronic media shall be authenticated pursuant to methods~~  
18 ~~specified by the assessor and approved by the board. Electronic~~  
19 ~~media includes, but is not limited to, computer modem, magnetic~~  
20 ~~media, optical disk, and facsimile machine.~~

21 ~~(l) (1) After receiving the notice required by Section 1162, the~~  
22 ~~manager in control of a fleet of fractionally owned aircraft shall~~  
23 ~~file with the lead county assessor's office one signed property~~  
24 ~~statement for all of its aircraft that have acquired situs in the state,~~  
25 ~~as described in Section 1161.~~

26 ~~(2) Flight data required to compute fractionally owned aircraft~~  
27 ~~allocation under Section 1161 shall be segregated by airport.~~

28 ~~(m) (1) After receiving the notice required by paragraph (5) of~~  
29 ~~subdivision (b) of Section 1153.5, a commercial air carrier whose~~  
30 ~~certificated aircraft is subject to Article 6 (commencing with~~  
31 ~~Section 1150) of Chapter 5 shall file with the lead county assessor's~~  
32 ~~office designated under Section 1153.5 one signed property~~  
33 ~~statement for its personal property at all airport locations and~~  
34 ~~fixtures at all airport locations.~~

35 ~~(2) Each commercial air carrier may file one schedule for all of~~  
36 ~~its certificated aircraft that have acquired situs in this state under~~  
37 ~~Section 1151.~~

38 ~~(3) Flight data required to compute certificated aircraft allocation~~  
39 ~~under Section 1152 and subdivision (g) of Section 202 of Title 18~~

1 of the California Code of Regulations shall be segregated by airport  
2 location.

3 ~~(4) Beginning with the 2006 assessment year, a commercial air~~  
4 ~~carrier may file a statement described in this subdivision~~  
5 ~~electronically by means of the California Assessor's Standard Data~~  
6 ~~Record (SDR) network. If the SDR is not equipped to accept~~  
7 ~~electronic filings for the 2006 assessment year, an air carrier may~~  
8 ~~file a printed version of its property statement for that year with~~  
9 ~~its lead county assessor's office.~~

10 ~~(5) This subdivision shall remain in effect only until December~~  
11 ~~31, 2010, and as of that date is repealed.~~

12 ~~SEC. 5.~~

13 *SEC. 4.* Section 441.5 of the Revenue and Taxation Code is  
14 amended to read:

15 441.5. (a) In lieu of completing the property statement as  
16 printed by the assessor pursuant to Section 452, the assessor may  
17 accept the information required of the taxpayer by any of the  
18 following methods:

19 (1) Attachments to the property statement, provided that the  
20 attachments shall be in a format as specified by the assessor and  
21 one copy of the property statement, as printed by the assessor, is  
22 signed by the taxpayer and carries appropriate reference to the data  
23 attached.

24 (2) An electronically filed property statement that is  
25 authenticated as provided in subdivision (k) of Section 441.

26 (3) A property statement that is substantially similar to the  
27 property statement as printed by the assessor that is signed by the  
28 taxpayer.

29 (b) The assessor may consider information provided by any of  
30 the methods specified in subdivision (a) as the property statement  
31 for purposes of this division.

32 ~~SEC. 6.~~

33 *SEC. 5.* Section 2823 of the Revenue and Taxation Code is  
34 amended to read:

35 2823. (a) The county assessor shall determine a separate  
36 valuation on the parcel, and shall determine the valuation of the  
37 remaining parcel. The sum of the valuations of the parcels shall  
38 equal their total valuation before separation.

39 (b) A separate valuation shall not be made of any parcel covered  
40 by a subdivision map filed for record after the lien date

1 immediately preceding the current fiscal year. However, this  
2 prohibition shall not apply in any county in which the board of  
3 supervisors provides for a separate valuation pursuant to an  
4 ordinance adopted by a majority vote of the board. In connection  
5 with the recording of a final subdivision map a segregation may  
6 nevertheless be made so as to include all of the land within the  
7 subdivision in a single parcel.

8 (c) A separate valuation shall not be made dividing any piece  
9 of property separately assessed in the original assessment into  
10 more than four parcels. However, this prohibition shall not apply  
11 in any county in which the board of supervisors so provides in an  
12 ordinance adopted by a majority vote of the board.

13 (d) Notwithstanding any other provision of law, a separate  
14 valuation to divide any existing residential structure into a  
15 subdivision, as defined in Section 66424 of the Government Code,  
16 shall not be made until a subdivision final map or parcel map, as  
17 described in Sections 66434 and 66445, respectively, of the  
18 Government Code has been recorded as required by law. If the  
19 requirement for a parcel map is waived pursuant to subdivision  
20 (b) of Section 66428 of the Government Code, then the assessor  
21 shall not assign any parcel numbers or prepare a separate  
22 assessment or separate valuation, unless the applicant provides a  
23 copy of the finding made by the legislative body or advisory  
24 agency, as required by that subdivision.

25 (e) With respect to nonresidential subdivisions, without regard  
26 to the number of parcels involved, which are covered by special  
27 assessment liens the bonds for which are owned by a county, the  
28 board of supervisors of that county may authorize the county  
29 assessor, auditor, and tax collector to prorate the amounts for past  
30 due property taxes and assessment liens, plus any interest and  
31 penalties that may have accrued thereon, among the various parcels  
32 in the subdivision. Notwithstanding any other provision of law,  
33 the tax collector may then enter into an installment payment  
34 agreement with respect to the pending subdivision map and  
35 thereupon the agreement shall be deemed the equivalent of a  
36 certificate pursuant to Section 66492 of the Government Code for  
37 purposes of permitting the filing of the final map and shall be  
38 recorded together with the final map, provided that the past due  
39 property taxes, assessment liens, and the special assessment lien

1 shall not be discharged of record by the agreement, but shall be  
2 prorated among the parcels created by the final map.

3 (f) If the application requested that the tax created by the  
4 assessment of personal property, or leasehold improvements, or  
5 possessory interests be allowed to remain as a lien on the parcel  
6 sought to be separately valued, and the assessor determines that  
7 the value of the parcel is sufficient to secure the payment of the  
8 tax, the assessor shall set forth the value of such personal property,  
9 or leasehold improvements, or possessory interests opposite the  
10 assessor's determination of the value of the parcel.

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